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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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MARC FISHMAN, INDIVIDUALLY, and on behalf of all others :  
similarly situated, :  
 :  
Plaintiff, : Docket No. 19 CV 265  
 : (NSR)  
 :  
-against- :  
 :  
CITY OF NEW ROCHELLE, New Rochelle Police Department, : DECLARATION OF  
LANE SCHLESINGER, individually and in his administrative : LALIT K. LOOMBA  
and official capacity as a police officer #1058 employed by the :  
City of New Rochelle, JOSEPH F. SCHALLER, individually, and :  
in his administrative and official capacity as a police :  
commissioner/officer employed by the City of New Rochelle, and :  
W. JOSEPH, individually, and in his administrative and official :  
capacity as a police officer/detective #18 employed by the City of :  
New Rochelle, and WESTCHESTER COUNTY, :  
 :  
Defendants. :  
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LALIT K. LOOMBA, an attorney an attorney duly admitted to practice law before the  
Courts of the state of New York and before the United States District Court for the Southern  
District of New York, hereby declares, under penalty of perjury and pursuant to 28 U.S.C.  
§1746, as follows.

1. I am Of Counsel to the firm Wilson, Elser, Moskowitz, Edelman & Dicker, LLP,  
attorneys for defendants City of New Rochelle, Police Commissioner Joseph Schaller, Sgt.  
Myron Joseph (s/h/a as “W. Joseph”); and Police Officer Lane Schlesinger (collectively, the  
“City Defendants”).

2. I submit this declaration in support of the City Defendants' motion to dismiss plaintiff's complaint.

3. Annexed hereto as **Exhibit A** is a copy of the complaint of plaintiff Marc Fishman.

4. Annexed hereto as **Exhibit B** is a copy of the Order of Protection issued against plaintiff Marc Fishman.

5. Annexed hereto as **Exhibit C** is a copy of a Domestic Incident Report prepared by defendant Officer Schlesinger.

6. Annexed hereto as **Exhibit D** is a copy of the Miranda Card prepared by the New Rochelle Police Department incident to the arrest of plaintiff Marc Fishman.

7. Annexed hereto as **Exhibit E** is a copy of the Booking Report prepared by the New Rochelle Police Department incident to the arrest of plaintiff Marc Fishman.

8. Annexed hereto as **Exhibit F** is a copy of the statement of Ms. Solomon taken by the New Rochelle Police Department incident to the arrest of plaintiff Marc Fishman.

9. As set forth in the accompanying memorandum of law, *see* Point I at pages 7-8, this Court may properly consider Exhibits B, C, D, E and F on the instant motion to dismiss.

10. Upon information and belief, based on telephone calls with the Westchester County District Attorney's Office, plaintiff was convicted of violating the order of protection on January 28, 2020. His sentence is currently scheduled for July 27, 2020.

11. A certificate of conviction is not available until after the sentencing is complete.

12. The court reporter on the day Mr. Fishman was convicted is Ms. Nicole Amenieros.

13. The undersigned spoke with Ms. Amenieros on July 10, 2020 to order the transcript of the minutes reflecting the jury verdict finding Fishman guilty, and will submit it to

the Court as soon as it is received.

14. Copies of unreported decisions cited in the City Defendants' memorandum of law have been mailed to plaintiff under separate cover.

I declare that the foregoing is true and correct. Executed this 17<sup>th</sup> day of July 2020.



Lalit K. Loomba

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Lalit K. Loomba